

### **REMARKS**

Claims 1-19 are pending in this application and have been rejected. Claims 1, 2 and 10 have been revised. Claims 1, 10 and 15 remain independent.

#### **The Rejection Under 35 U.S.C. § 112, ¶ 2**

Claims 1-14 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicant's invention. In particular, claim 1 was said to recite a separation means functional to operate on a data stream "based on said determined length", which was held to lack antecedent basis and be unclear. The same term "based on said determined length" used in claim 10 also was challenged.

Claims 1 and 10 have been revised to attend to the point noted in the Office Action by providing antecedent basis for the term "said determined length". Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

#### **The Rejection Under 35 U.S.C. § 103**

Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,081,783 to Divine et al. and further in view of U.S. patent no. 5,657,454 to Benbassat et al. Applicant respectfully traverses this rejection, and submits the following arguments in support thereof.

Claim 1 describes a decoding apparatus for decoding a data stream with plural data blocks contained in memory. The apparatus has size determination means for processing a subset of the information of the data stream contained in the memory in order to calculate a determined length of a first data block to be decoded, separation means for separating the first data block from the data stream contained in the memory based on the determined length, and parallel processing means for decoding a subsequent second data block while the first data block is decoded.

Claim 10 concerns a method of decoding a data stream having plural data blocks contained in memory. This method includes the steps of processing a subset of the information of the data stream contained in the memory in order to calculate a determined length of a first data block to be decoded, separating the first data block from the data stream

contained in the memory based on the determined length, and decoding a subsequent second data block while the first data block is decoded.

Claim 15 is directed to a method of decoding a data stream having plural data blocks contained in memory. This method involves calculating the length of a first data block contained in the memory, separating the first data block from the data stream contained in the memory based on the calculated length, and decoding a subsequent second data block while the first data block is decoded. The calculated length is calculated from a subset of information in the data stream.

Thus, each of these claims provides for separating a first data block from a data stream contained in a memory based on a determined (or calculated) length.

The Office Action, at page 4, first full paragraph, **admits** that Divine fails to teach or suggest calculating a length of a first data block, or separating and processing based on the calculated length.

The Office Action looks to Benbassat to remedy Divine's admitted deficiencies.

However, a study of Benbassat confirms that none of the portions<sup>1</sup> which the Office Action contends remedy Divine's deficiencies teach or suggest calculating a length of a first data block, or separating and processing based on the calculated length. Each of those portions now will be discussed.

Benbassat's abstract only describes a data processing system having an audio decoder block which generates bit per code word values and subband samples.

At col. 12, line 47, through col. 13, line 20, Benbassat describes aspects of audio decoder block 28. Insofar as Benbassat, at col. 13, lines 8-20, mentions the BPCW read-only memory table stores values for the number of bits allocated per sample and bits per code word used in the decoding of the audio bit stream, and using a read-only memory table to store values used to calculate frame length, this still does not suggest the aspects of claims 1, 10 and 15 involving separating the first data block from the data stream contained in memory based on a determined (or calculated) length.

Fig. 3 of Benbassat is a schematic block diagram of an audio decoder. Neither this drawing nor the supporting discussion at col. 11, line 60, through col. 15, line 28, which

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<sup>1</sup> abstract; col. 12, line 47, through col. 13, line 20; Fig. 3; Fig. 16.

includes the passage cited in the Office Action and discussed above, suggests the aspects of the claimed invention involving calculating a length of a first data block, or separating and processing based on the calculated length

Fig. 16 of Benbassat is a flow chart showing how the audio decoder block calculates frame size (col. 32, lines 65-66). Benbassat explains at col. 33, lines 24-33, that the frame size either is loaded, if the bit rate index has value 0000, or is otherwise set based on the frame size retrieved from the header information. So neither of these situations involves the aspects of the claimed invention involving calculating a length of a first data block, or separating and processing based on the calculated length.

Since neither Divine nor Benbassat even suggest at least the aspects of the claimed invention involving the combination of those references also cannot suggest such claim features. Accordingly, the claimed invention patentably distinguishes over the combination of Divine and Benbassat.

For all the foregoing reasons, favorable consideration and withdrawal of this rejection are respectfully requested.

### **CONCLUSION**

In view of the foregoing revisions and remarks, Applicant respectfully requests entry of this amendment and submits that entry of this amendment will place the present application in condition for allowance. It is further submitted that entry of this amendment can be approved by the Examiner consistent with Patent and Trademark Office practice, since the changes it makes should not require a substantial amount of additional work by the Examiner.

Applicant respectfully submits that all outstanding rejections have been addressed and are now either moot or are overcome. Applicant further submits that all claims pending in this application are patentable over the prior art. Accordingly, favorable consideration and prompt allowance of this application are respectfully requested.

No fees are believed to be due in connection with the filing of this paper. If, however, the Commissioner deems any additional fee(s) to be now or hereafter due in connection with this application, authority is given to charge all such fees to Deposit Account No. 50-4019.

In the event that there are any questions, or should additional information be required, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

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